

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

CHARLENE WALKER

PLAINTIFF

V.

CIVIL ACTION NO. 3:08CV29 DPJ-JCS

B-TECH INC.

DEFENDANTS

ORDER OF DISMISSAL

This matter is before the Court *sua sponte* to consider dismissal of this action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure due to Plaintiff's failure to prosecute and failure to comply with the previous order of this Court.

Plaintiff filed the Complaint in January 2008 and obtained a Clerk's Entry of Default on September 30, 2008, but has never moved for default judgment. On December 19, 2008, Judge Sumner granted a motion by Plaintiff's counsel to withdraw, informing Plaintiff that she had thirty days to find new counsel or inform the Court in writing that she wishes to proceed pro se. She has done neither. Finally, on February 13, 2009, the Court ordered that Plaintiff show cause why this action should not be dismissed and required that she respond to the Court's order by February 20th. To date, Plaintiff has not responded to this Court's order.

This Court has the authority under Rule 41(b) of the Federal Rules of Civil Procedure and under its inherent authority to dismiss this action for Plaintiff's failure to prosecute and failure to comply with orders of the Court. *See Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Larson v. Scott*, 157 F.3d 1030 (5th Cir. 1998); *McCullough v. Lynaugh*, 835 F.2d 1126 (5th Cir. 1988). Such a "sanction is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars" of the Court. *Link*, 370 U.S. at 629-30.

IT IS, THEREFORE, ORDERED that this case is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) and the Court's inherent authority.

SO ORDERED AND ADJUDGED this the 3th day of March, 2009.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE